

average volume per product and brand; and  
applying heuristic rules to the traits in order to generate the subscriber profile, wherein  
the heuristic rules associate the traits to characteristics about the subscriber and the subscriber  
profile identifies characteristics about the subscriber.

### Remarks

#### *Status*

In the Office Action the Examiner:

- rejected claim 65 under 35 USC 112, second paragraph, as being indefinite;
- rejected claims 42-51, 53-55, 60-65, 67, 68, and 71-73 under 35 USC 103(a) as being unpatentable over *Davis et al.* (USP 5,796,952) in view of *Tuzhilin* (USP 6,236,978);
- rejected claims 56-59, 69 and 70 under 35 USC 103(a) as being unpatentable over *Davis et al.* and *Tuzhilin* in view of *Ivaryi* (USP 6,286,140); and
- objected to claims 52 and 66 as being dependent upon rejected base claims.

In this Amendment, the Applicant has:

- amended claim 65 for clarification;
- amended independent claim 46 to include the limitations of claim 47, and canceled claim 47;
- amended independent claim 60 to include the limitations of claim 61, and canceled claim 61; and
- amended claims 52 and 66 into independent form, and amended claim 53 to depend from claim 52;

Claims 42-46, 48-60, and 62-73 are now the pending claims. Claims 42, 46, 52, 60, 66, 71 and 73 are the independent claims. It is submitted that all of the currently pending claims are patentable over the cited references for at least the reasons discussed below.

### ***Discussion***

35 USC 112, 2<sup>nd</sup> paragraph rejections – Applicant has amended claim 65 to clarify that *specific* transactions are not included in the traits. It is submitted that amended claim 65 is definite and that the rejection should accordingly be withdrawn.

Objections – Applicant has amended claims 52 and 66 into independent form. Moreover, Applicant amended claim 53 to depend from claim 52. It is submitted that the objection has been overcome and that claims 52, 53 and 66 are now in condition for allowance.

### 35 USC 103(a) rejections:

Independent claim 42 is directed to a method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile. The method includes monitoring subscriber interactions to advertisements presented. The subscriber interactions are processed in order to generate the subscriber profile, wherein the subscriber profile identifies traits about the subscriber that are not directly related to the subscriber interactions. It is submitted that none of the references, whether taken alone or in combination with one another, disclose or suggest processing subscriber interactions in order to *generate a subscriber profile that identifies traits about the subscriber that are not directly related to the subscriber interactions*, as required by claim 42.

The Examiner acknowledges on page 3 of the Office Action that *Davis et al.* do not disclose identifying traits about the user not directly related to subscriber interactions. It appears that the Examiner relies on *Tuzhilin* for this disclosure “Tuzhilin discloses a system which utilizes a number [of] heuristic rules to create a dynamic consumer portfolio, which tracks user interactions and traits; the system then estimates a users future needs as well as which products a user is most likely to purchase, the rules are retrieved and generated in order to determine the dynamic profile (Figures 4 and 6, column 3, line 58-column 4, line 29, column 5, line 47-column

6, line 44, column 8, line 20-47, column 11, lines 42-66)". The Applicant submits that the Examiners interpretation of *Tuzhilin* is clearly erroneous and that *Tuzhilin* does not disclose *generating a subscriber profile that identifies traits about the subscriber that are not directly related to the subscriber interactions*, as required by claim 42.

To the contrary, *Tuzhilin* discloses a system that creates a profile of a user that includes a static portion (i.e., name, address) and a dynamic portion in the form of rules associated with transactions made by the user (i.e., if user buys diapers while shopping on a weekday night, the user will likely also buy beer). As it is likely that there will be numerous rules created based on the users interactions, the rules are aggregated together. The user can then select the aggregated rules that best fit. The profile can be used to help a user shop in the future. The profile generated in *Tuzhilin* is clearly directly related to the transactions that the user performed, and in fact is basically rules generated in relation to the transactions. There is clearly no disclosure of a *subscriber profile generated from subscriber interactions to advertisements presented that identifies traits about the subscriber that are not directly related to the subscriber interactions*, as required by claim 42.

For at least the reasons advanced above, it is clear that none of the cited references whether taken alone or in any reasonable combination, disclose or suggest the current invention as recited in claim 42. Accordingly, claim 42 is submitted to be patentable over *Davis et al.* and *Tuzhilin*. Moreover, claims 43-45 depend from claim 42 and are therefore submitted to be patentable over the cited references for at least the reasons addressed above with respect to the patentability of claim 42, and for the further features recited therein.

Independent claims 46 has been amended to include the limitations of claim 47. Claim 46 is directed to a method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile. The method includes monitoring subscriber interactions to advertisements presented. Heuristic rules associated with the subscriber interactions are retrieved. The heuristic rules associate the subscriber interactions to characteristics about the subscriber that are not directly related to the interactions. The heuristic rules are applied to the subscriber interactions in order to generate the subscriber profile that identifies characteristics

about the subscriber that are not directly related to the interactions. It is submitted that none of the references whether taken alone or in combination with one another disclose or suggest the *retrieval or application of heuristic rules, let alone heuristic rules that relate subscriber interactions to characteristics about the subscriber that are not directly related to the interactions, or generation of a subscriber profile that identifies characteristics about the subscriber that are not directly related to the interactions*, as required by claim 46.

The Examiner acknowledges on page 3 of the Office Action that *Davis et al.* do not disclose the use of heuristic rules to associate subscriber interactions and non-interactions to the subscriber characteristics. It appears that the Examiner relies on *Tuzhilin* for this disclosure "Tuzhilin discloses a system which utilizes a number [of] heuristic rules to create a dynamic consumer portfolio, which tracks user interactions and traits; the system then estimates a users future needs as well as which products a user is most likely to purchase, the rules are retrieved and generated in order to determine the dynamic profile (Figures 4 and 6, column 3, line 58-column 4, line 29, column 5, line 47-column 6, line 44, column 8, line 20-47, column 11, lines 42-66)". Applicant submits that the Examiner's interpretation of *Tuzhilin* is clearly erroneous and that *Tuzhilin* does not disclose *retrieval or application of heuristic rules that relate subscriber interactions to characteristics about the subscriber that are not directly related to the interactions, or generation of a subscriber profile that identifies characteristics about the subscriber that are not directly related to the interactions*, as required by claim 46.

To the contrary, *Tuzhilin* discloses a system that creates a profile of a user that includes a static portion (i.e., name, address) and a dynamic portion in the form of rules associated with transactions made by the user (i.e., if user buys diapers while shopping on a weekday night, the user will likely also buy beer). As it is likely that there will be numerous rules created based on the users interactions, the rules are aggregated together. The user can then select the aggregated rules that best fit. The profile can be used to help a user shop in the future. The profile generated in *Tuzhilin* is clearly directly related to the transactions that the user performed, and in fact is basically rules generated in relation to the transactions. There is clearly no disclosure of a *subscriber profile generated from the application of heuristic rules to subscriber interactions to advertisements presented, wherein the rules and the profile identify traits about the subscriber that are not directly related to the subscriber interactions*, as required by claim 46.

For at least the reasons described above, claim 46 is submitted to be patentable over the cited references. Claims 48-51 and 54-59 depend from claim 46 and are submitted to be patentable over the cited references for at least the above noted reasons and for the further features recited therein.

Independent claim 60 has been amended to include the limitations of claim 61. Claim 60 is directed to a method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile. The method includes monitoring subscriber interactions to advertisements presented. The subscriber interactions are processed in order to define traits associated with the subscriber interactions. Heuristic rules are applied to the traits in order to generate the subscriber profile. The heuristic rules associate the traits to characteristics about the subscriber not directly related to the interactions and the subscriber profile identifies characteristics about the subscriber not directly related to the interactions. It is submitted that none of the references whether taken alone, or in combination with one another, disclose or suggest the application of heuristic rules to subscriber traits, as required by claim 60.

It is submitted that claim 60 is patentable over the cited references for similar reasons to those advanced above with respect to claims 42 and 47. Claims 62-65 and 67-70 depend from claim 60 and are submitted to be patentable over the cited references for at least the above noted reasons and for the further features recited therein.

Independent claim 71 is directed to a method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile. The method includes monitoring subscriber interactions to advertisements presented. Information associated with the advertisements presented is retrieved and applied to the subscriber interactions to generate interaction data. A set of rules associated with at least a subset of the interaction data is retrieved. The set of rules relates at least one aspect of the interaction data to at least one non-interaction characteristic. The set of rules are applied to the interaction data in order to generate the subscriber profile, wherein the subscriber profile includes at least one non-interaction characteristic about the subscriber. It is submitted that none of the references whether taken

alone or in combination with one another disclose or suggest *the retrieval or application of a set of heuristic rules that relate at least one aspect of the interaction data to at least one non-interaction characteristic*, as required by claim 71.

It is submitted that claim 71 is patentable over the cited references for similar reasons to those advanced above with respect to claims 42 and 47. Claim 72 depends from claim 71 and is submitted to be patentable over the cited references for at least the above noted reasons and for the further features recited therein.

Independent claim 73 is directed to a method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile. The method includes monitoring subscriber interactions to advertisements presented. Information corresponding the advertisements presented is retrieved. The information includes descriptions of at least one aspect of the advertisements presented. A first representation of the subscriber is generated based on the subscriber interactions and the information. A set of rules associated with at least a subset of the first representation is retrieved. The set of rules relates at least one aspect of the first representation to at least one non-interaction parameter. The set of rules is applied to the first representation in order to generate the subscriber profile, wherein the subscriber profile defines at least a second representation of the subscriber.

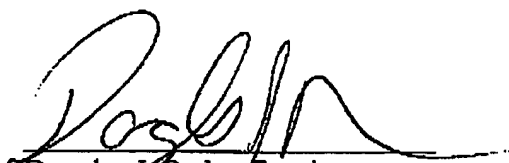
It is submitted that none of the cited references, whether taken alone or in combination with one another, disclose or suggest *the retrieval or application of a set of heuristic rules that relate at least one aspect of the first representation of the subscriber to at least one non-interaction parameter in order to generate a subscriber profile that defines at least a second representation of the subscriber*, as required by claim 73. It is submitted that claim 73 is patentable over the cited references for similar reasons to those advanced above with respect to claims 42 and 47.

### Conclusion

For the foregoing reasons, Applicant respectfully submits that claims 42-46, 52-60, and 62-73 are in condition for allowance. Accordingly, early allowance of claims 42-46, 52-60, and

62-73 is earnestly solicited. Should the Examiner have any questions or concerns, the Examiner should contact the undersigned to discuss.

Respectfully submitted,

  
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